



# MAYOR AND COUNCIL AGENDA

NO. 5

DEPT.: Community Planning and Development Services  
CONTACT: Scott E. Parker, AICP, Planner III

DATE: July 7, 2004

## ACTION:

Public Hearing for Text Amendment TXT2004-00211, to amend section 25-643(9) of the Zoning Ordinance to add "nursing homes" as a permitted use within the residential areas of a Comprehensive Planned Development (CPD). King Farm Associates, Applicant.

## ACTION STATUS:

FOR THE MEETING OF: 07/19/04

INTRODUCED

PUB. HEARING

INSTRUCTIONS

APPROVED

EFFECTIVE

ROCKVILLE CITY CODE,

CHAPTER

SECTION

☐ CONSENT AGENDA

## RECOMMENDATION:

Conduct the Public Hearing on TXT2004-00211.

**IMPACT:** ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

Impact will be related to the amendment of the Concept Plan of King Farm, and will allow for the accommodation of this use as part of any Concept Plan Amendment to allow for senior housing at King Farm.

## BACKGROUND:

The Zoning Ordinance provides for the Mayor and Council to review new text amendment applications to determine if further consideration of the application is appropriate. Those deemed appropriate are referred to the Planning Commission for review and recommendation (Section 25-143(b)). If upon preliminary review of an application, the Mayor and Council "determines that it should not be considered further, a resolution denying the application shall be adopted" (Section 25-143 (a)).

## PROPOSAL:

The applicant has requested this text amendment to facilitate adding "nursing homes" to the list of permitted uses in Section 25-643 (9), which is the section of the Ordinance pertaining to permitted uses within residential areas of a CPD. The other uses currently permitted under that section include detached one-family dwellings, attached dwelling units, multiple family dwellings, housing for the elderly and the physically handicapped, and semi-detached dwellings (as approved as part of a CPD application to accommodate provision of moderately priced dwelling units).

**STAFF COMMENT:**

King Farm Associates is applying for this text amendment as part of a proposed Concept Plan amendment, which is being evaluated by the Mayor and Council concurrently. The proposed amendment of the Concept Plan is to identify areas approved for office that can be alternately used for a senior housing component. Part of the proposal will be for nursing home type facilities, which requires this text amendment. The other uses proposed with the Concept Plan amendment are currently allowed under the CPD section of the Ordinance.

**RECOMMENDATION:**

During review of the text amendment, staff has noted that the proposal would allow nursing homes within all residential areas of a CPD, which could potentially be inconsistent with other areas of the City. Nursing homes are allowed by Special Exception in the R-E through R-60 zones where a wider separation of buildings is required. The larger setbacks help mitigate the more commercial aspects of a nursing home. Examples of this commercial aspect would be the 24-hour-a-day doctor and nurse staffing, and the utilization of ambulances and other modes of transport. Therefore, staff is recommending additional text language that limits nursing home uses to the residential areas identified within the proposed Concept Plan amendment that specifically allows nursing homes.

The effect of this change would be to allow nursing homes within the context of an overall senior housing component, where its presence would be appropriate, while not allowing them in all residential areas of all CPDs, where the impacts could be detrimental to the residential character of a particular residential area.

**PLANNING COMMISSION RECOMMENDATION:**

On June 23, 2004, The Planning Commission reviewed this application and provided comments for consideration. The Commission agreed with staff's recommendation regarding the language change, and unanimously voted to recommend approval of the text amendment to the Mayor and Council.

**PREPARED BY:**

 7/8/04

Scott E. Parker, AICP, Planner III

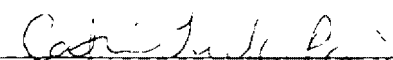
**APPROVE:**

  
Robert Spalding, AICP, Chief of Planning

7-8-4  
Date

  
Arthur D. Chambers, AICP, Director of CPDS

7/12/04  
Date

  
Catherine Tuck Parrish, Acting City Manager

7/13/04  
Date

**LIST OF ATTACHMENTS:**

1. Applicant's letter and justification statement

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

ATTACHMENT 1

June 2, 2004

Barbara A. Sears  
301.961.5157  
bsears@linowes-law.com

Mayor Giammo and Councilmembers  
Rockville City Hall  
111 Maryland Avenue  
Rockville, Maryland 20850

Re: Application for Text Amendment to Section 25-643 of the Rockville Zoning Ordinance

Dear Mayor Giammo and Councilmembers:

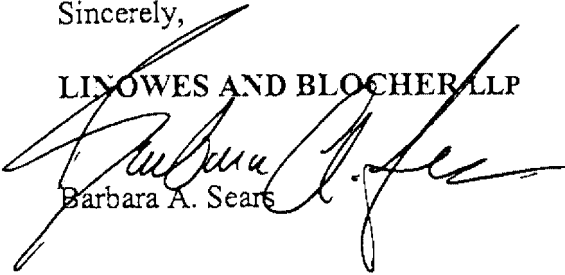
On behalf of our client, King Farm Associates ("KFA"), enclosed please find a completed Application for a Text Amendment to the Zoning and Planning Ordinance ("Zoning Ordinance") and a check in the amount of \$550.00 representing the filing fee for the application.

The purpose of the proposed text amendment is to add nursing homes as permitted uses in comprehensive planned developments ("CPD"). Pursuant to Section 25-643 of the Zoning Ordinance as now written, "housing for elderly and physically handicapped" is a permitted use in a CPD, but nursing homes are not included in the CPD use table. It is our understanding that the use designation for elderly and physically handicapped would permit independent elderly and assisted living units, but not nursing beds. Simultaneously with the filing of this text amendment application, KFA is seeking an amendment to the King Farm Concept Plan to allow up to 1.2 million square feet of approved office development to be alternatively developed as independent elderly, assisted living and nursing bed use. In order to implement this proposal and include nursing care, the text amendment is necessary. We believe the inclusion of such a use as a permitted use in the CPD use table is appropriate and desirable. We therefore respectfully request that Section 25-643 be amended to include this option in the CPD.

Thank you for your time and consideration of this matter. If you have any questions or require any additional information, please feel free to contact us.

Sincerely,

LINOWES AND BLOCHER LLP

  
Barbara A. Sears

cc: Robert Spalding  
Mark Gregg  
Olav Kollevoll  
Art Chambers  
Scott Parker  
Erin E. Girard